our whenever possible to take the Legislature into confidence. It will be my ambition to make this Legislature a vital element of the body politic of Travancore. (*Hear, hear.*) It is in that hope and in that expectation, with those aspirations and with those ideals, that I shall occupy this Chair.

I thank you fervently and from the bottom of my heart for the very kindly sentiments to which I have listened with gratitude and pleasure, with pride and with humility. (*Cheers.*)

STATEMENT LAID ON THE TABLE.

RAO BAHADUR A. RENGASVAMI AIYAR (*Financial Secretary to Government*) : Sir, I beg to lay on the table the following statement of expenditure authorised by the Government under Section 32 of Regulation II of 1108.

Demand.	Amount in Rupees.	Particulars.
I. Public Works Department.	33,000	For the payment of the balance amount due for the purchase of a Grab Dredger for the Alleppey Port, etc.

PANEL OF CHAIRMEN.

PRESIDENT: Under Rule 3, sub-rule (2) of the Travancore Legislative Rules, I nominate Mr. K. C. Abraham and Mr. Pacode A. Narayana Pillai to the Panel of Chairmen for this session of the Assembly.

LEGISLATIVE BUSINESS.

THE TRAVANCORE AGRICULTURISTS' RELIEF BILL.

PRESIDENT: We shall now take up the consideration of the Travancore Agriculturists' Relief Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, we are at the third reading stage of the Agriculturists' Relief Bill. Before I make the motion for passing the Bill, I have certain amendments to place before this House and shall proceed to move them one by one.

The first amendment I move is as follows :

"*In Clause 3, omit the Proviso to sub-clause* (1) (*b*)."

The Proviso in question reads as follows :—

"Provided that the jurisdiction of the Boards established under Section 3, sub-clause (1) (a) shall be so defined and adjusted as to include the whole State."

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[Mr. Kayalam Paramesvaran Pillai.]

It is not perhaps necessary for me to recall to honourable members of this House the effect of this Proviso or the object with which it was introduced by an amendment at the second reading of the Bill. I may however recapitulate briefly, so that honourable members may appreciate the necessity for omitting this Proviso. The proposal contained in the Bill was to the effect that Government may establish Conciliation Boards and the Government should be given power to determine and adjust the local limits of the jurisdiction of each Board. I have expressed more than once, in this House, this conciliation scheme should be treated as an experimental measure and we should proceed cautiously by establishing one or two Boards and trying to limit the jurisdiction of each to a very compact area.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I rise to a point of order. This is a very important matter and I wish to have a definite ruling on it. As the Law Member has just now told us, this proviso is the result of an amendment moved by this House at the second reading stage. The matter was fully discussed and this Proviso was adopted by this House. I wish to know whether under such circumstances an amendment can be moved at the third reading to nullify the effect of what has already been done. I can understand that an amendment can be moved to a clause which has not been discussed or if the amendment was constitutionally necessitated. I wish to know whether in this case an amendment can be moved at the third reading stage.

PRESIDENT: A point of order has been raised with regard to the amendment now sought to be moved by the Law Member. Honourable members will see that Standing Order 46 (4) says,—

> "At this stage of the motion for passing the Bill, and prior to the making of the motion, the Assembly shall consider the amendments, if any, moved on behalf of Government. No amendments other than those connected with the amendments moved on behalf of Government shall, without the special permission of the Dewan, be brought up for consideration at this stage."

My ruling is that at this stage it is open to the Law Member to move the amendment which he is now making. As a matter of fact, so long as the amendment is in order under the rules appertaining to amendments, no objection can be taken to the contents or form of the amendment that can be moved at this stage. For that reason I allow the amendment to be moved.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I had expressed more than once in this House that this conciliation should be treated as an experimental step. In view of that and to some extent on financial considerations also the idea of Government is to establish one or two boards at the outset and gradually to extend the boards throughout the State.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): How long will it take to extend the Boards throughout the State?

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MR. KAYALAM PARAMESVARN PILLAI (*Additional Head Sirkar Vakil*): That will be done gradually.

It has also been my idea that the jurisdiction of the Board should be compact so that the conciliation officer may have a grip of each case and be enabled to deal with each adequately and to the satisfaction of the parties. The criticism was however levelled against the Government proposal that under that the benefits of conciliation would not be available to all the subjects of the State. That criticism was no doubt true. As a matter of fact that criticism was even a compliment to my Bill in that it implies conciliation boards are useful and necessary. But, I felt, and I do feel now also, that the amendment suggested was such that it will compel Government to establish a very large number of Boards operating throughout the whole State. The amendment was to the effect that the jurisdiction of all the Boards together should extend throughout the State. It was not apparently possible to move an amendment to the effect that Government should establish a specific number of boards. So the same thing was sought to be achieved by this amendment, namely, that even though there be but one or two boards, these Boards should together have jurisdiction throughout the whole State. This I felt was an impracticable proposition. To establishh a few Boards with such extensive jurisdiction extending throughout the State would be worse than useless. I deliberately say 'worse than useless' because conciliation will not be done effectively or expeditiously and at the same time there will be a complete paralysis of the administrations of justice through the civil courts. The House did not accept my views and passed this amendment. I have taken time to reconsider this matter; and I am prepared to meet the views of the House to some extent, though I cannot even now agree to the amendment. It may be possible for Government to establish a larger number of Boards, say five or six or even seven or eight, so that a larger area may at the same time be under the operation of the Boards. In saying that I am not committing myself to any specific number. All that I say is that it is possible to increase the number of boards. That would be one way of meeting to some extent the desire of the House. Another way would be to enlarge the local jurisdiction of the Boards. My idea at one time was that the local jurisdiction of the boards should be very small and should never be the same as that of a civil court. I am prepared to suggest that Government may give a larger local jurisdiction to each board. Government may do all these. But still I find myself unable to accept the proposal in the proviso, namely, that the entire State should be the jurisdiction of all the boards together and that Government should be committed to it statutorily.

Sir, I do not want to repeat all the arguments that I advanced at the second reading stage of the Bill. But I do wish to say that the local jurisdiction of the Boards should be compact. It cannot be suggested that the local jurisdiction of a Board should be anything like that of a court. The civil courts administer justice according to law,

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[Mr Kayalam Paramesvaran Pillai.]

Honourable members, particularly those who are lawyers will understand the meaning of the phrase 'administer justice according to law.' To illustrate it. if a promissory note is executed for Rs. 100, the Court should according to law order the payment of Rs. 100. That is the law. But the Conciliation Boards are not bound by any such law ; they judge according to the discretion and according to the varying circumstances. So, the administration of justice, if I may say so, through these Boards is entirely and fundamentally different from the administration of justice as administered by the civil courts. This makes it difficult for the conciliation officer to determine what would be right in each case. He has to exercise greater care than the civil courts. He has to act as the friend, philosopher and guide of the contending parties before him. I may also say that one of the instruments for effecting conciliation between the parties would be the advancing of money by some recognised bank to pay off the conciliated debts. This would require the valuation of the assets of the debtor and naturally it will take the conciliation officer a long time for a corret valuation of the assets of the debtor. So he should not be made to function in a very large area. He must also function very expeditiously because certain other provisions of this Bill require that so long as the Board is seized of a case the civil court proceedings in respect thereof should be stopped. I may mention that there is an amendment proposed in regard to that also later on. However, it is necessary that if the civil court proceedings are to be stayed because conciliation proceedings are pending the conciliation should be carried on expeditiously.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether it is intended to make these Boards itinerant bodies ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not quite itinerant bodies. My idea is that if a conciliation Board finishes its work in one particular area, it may be transferred to another area. What I mean by that is, if the Board established in a particular place is able to finish. say, 900 cases out of 1,000, then, the question of transferring the Board to another jurisdiction can be considered and it could be established in a different area. I trust that the House will appreciate the fact that the Board has to function as expeditiously as possible both in the interest of the debtor as well as the creditor and also on grounds of public policy, so that the civil court proceedings may not be stayed indefinitely. If the proceedings of the civil courts are to be thus stayed indefinitely, it will not only do injustice to the creditor classes but it will affect the fabric of the general credit system of the State as a whole.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it the opinion of the member that this Bill is unworkable ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It will be workable if it is amended as I suggest.

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MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it just to ascertain the workability of this new Bill that this amendment is suggested by the Law Member?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, not merely to ascertain. I am saying that the Bill will be workable if it is amended as I suggest. Conciliation must be considered to some extent as an experimental measure, because it has not been tried yet. Therefore we have to proceed very cautiously. The field of conciliation is an unexplored ground and let us go cautiously.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it not possible to make it applicable throughout the whole State?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It would not be practicable. I can say that firstly there must be a very large number of proper men to be appointed as Conciliation Officers if the whole State is to be operated by conciliation. Then we must have rules or procedure. This again is a new ground. We have to experiment and experiment and make it a success.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): That is why I ask whether this Bill is to be tried as an experiment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have no objection if the member wants to put it like that. I have mentioned all the facts. The idea is to appoint four or five Boards and see how it works. We have also to look to the financial aspects of it.

PRESIDENT: The House will now adjourn and meet again at 2 o'clock.

The House adjourned at 1. 2. P. M. and met again at 2 P, M. with the President in the Chair.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): When the House rose for lunch I was trying to explain what I meant by saying that conciliation should be treated as an experimental measure. When I said that, I did not mean that the whole Bill is to be tried as an experiment. What I meant by that was that the principle of conciliation is an untried measure and in that sense an experiment; we have not any example of conciliation having been worked for any considerable time in any place. And also, we do not know whether it has worked effectively wherever it was tried and it has not been tried in many parts of India. We have therefore to go very cautiously, and we have necessarily to watch how conciliation works before extending it. It may not be possible for the Government to appoint as many Boards as are necessary to serve the whole State at the same time, though it is the intention of Government to bring the relief by conciliation to the home of every debtor and creditor. We may establish some seven or eight or say nine, Boards having jurisdiction over some limited areas in the State. It is not possible however to cover the whole State within its jurisdiction. There must be some limit to the extent of jurisdiction.

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MR. A. S. DAMODARAN ASAN (*Mavelikara*): By establishing eight or nine Boards may I know what portion of Travancore will be covered as their jurisidiction?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a very difficult question to answer just now. Any way the whole of Travancore cannot be covered.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Then may I know how many Boards will have to be established in that manner?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I can only guess and that roughly. About sixty Boards may be necessary if the whole State is to be served. Nobody knows what is conciliation and how it has to be worked, and all that. It may look all right on paper but when it begins to be put into action difficulty will arise.

MR. S. J. NAIR (*Nedumangad*): Then may I ask the member to delete the whole of that para 2 of that amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): My amendment is not that.

Conciliation is a new measure and we cannot dogmatise on it too much. It may appear very well on paper, but in practice, we cannot be too sure.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether the Boards are working satisfactorily in other parts of India?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So far as reports go, there are different opinions. One opinion is that they are not working satisfactorily.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is not the working of Conciliation Boards further extended in places such as Madras and Mysore?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think so. In Madras, the Act was only passed just now and the Rules have not been finallay issued.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether they have been increasing the number of Boards or reducing them?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not quite sure. In Madras, it is not even started. That however, is not the real point here. So far as Travancore is concerned the measure of conciliation is a new step and we must proceed cautiously and our conciliation scheme is more comprehensive than anywhere else. In Madras, the whole province is not to be served by Conciliation Boards at the same time. Same is the case in Punjab and Central Provinces. Therefore I am asking the House to consider whether they will advise Government to cover up the whole State with Boards, to start with.

MR. K. C. ABRAHAM (*Kottayam II*): Is it the opinion of the member that the Government should declare which area to be governed by the Conciliation Board?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. The whole of Travancore can be so declared to come under Conciliation Boards, not now, but only after seeing how far conciliation works successfully in the jurisdictions to which they have been extended. If for instance Mr. S. J. Nair's constituency is to be brought under one particular Conciliation Board and if the work proves successful then I should not come back to the Assembly to ask their permission for transferring that Board to or establishing another Board in another centre, say Neyyattinkara. All that I want the House to do is that Government should be given power to estalish Boards with limited local jurisdiction.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Am I to understand the member to mean that it is on the principle of basic necessity or ambition that Boards are established in different centres of the State?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government feel that the present deplorable condition of the debtors is sufficient justification for appointing Boards. But that does not mean that it can be extended to every debtor, to start with.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether in case the few Boards that are set up prove successful, Government will undertake to provide Conciliation Boards for the entire State?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That again is a difficult question to answer categorically. If the Boards established prove successful, Government will certainly extend it to other parts of the State. Even then the *whole* State may not be brought in at once. It is the ambition of Government to have Boards over the entire State but the principle of conciliation has to be tried, to start with. The simple question for determination is whether there should be a limited number of Boards having jurisdiction over closely defined areas in the State or over the State as a whole. I have said that Government can provide only a limited number of Boards. That discretion of Government remains unchallenged and there is no attempt to compel Government to establish any specific number of Boards. That being so, is it right to compel Government to make the whole State the local jurisdiction of these few Boards?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): Is it due to want of sufficient funds that there is difficulty for establishing sufficient number of Boards?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is also one aspect of the matter to be considered though that is not the main objection. The Board Officers are not honorary men; they are to be Government servants and that means that they must be paid. They should then have each a staff. Then we want registers, summons forms and so on. Copying staff will have to be engaged. Notices will have to be served. All these require money. And all this is to be spent on an experiment. Therefore, there should be some limit to the money to be spent.

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[Mr. Kayalam Paramesvaran Pillai.]

I make bold to say that the House will decide that it is not at all desirable that the few Boards should have the whole State as their local jurisdiction.

I may add that it is with some hesitation I move this amendment which is really to ask the House to review the decision it gave at its second reading. But I have done so with a full sense of my responsibility and perhaps, I must say unambiguously that I may find it impossible to take the responsibility for carrying out this measure or to take this Bill to another stage if the Bill is to contain the proviso which I seek to omit. The House should not misunderstand me. I must say what is in my mind. I would appeal to the House to appreciate my difficulty.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Is it because that the Government are unable to proceed with the Bill ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Not, quite like that.

As mover of the Bill I say that I may find it impossible to take the responsibility for carrying out the scheme of conciliation or even to proceed with the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : If the Government establish a limited number of Boards having certain jurisdiction throughout the State and if it proves successful is it not possible to increase the number of such Boards if they find the work becoming heavy as and when they are convinced, just as is being done in the case of civil courts ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes. It is quite possible. That arrangement is quite acceptable to me and that is what I am suggesting myself.

MR. P. C. KURIYAN (*Kottayam I*) : May I know the number of Boards that is proposed to be established by Government ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : About seven to ten.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) : I second the amendment.

MR. PUTHUPALLY S. KRISHNA PILLAI (*Quilon II*) : Sir, I feel constrained to observe that it has become the duty on the part of the members on this side of the House to oppose this amendment. The various arguments advanced by the Law Member in support of the amendment that is proposed are to my mind not very convincing. In Mysore and other places power has been conferred on the Government for the establishment of Boards as and when Government deem it fit to do so. I quite agree with him there. In the Madras Act, it is stated that the Local Government may establish Debt Conciliation Boards for a district or part of a district. A similar provision is found in the Mysore Regulation also. I agree that we shall not as a rule impose compulsory obligations on Government. I accept that it is correct on principle. But it will be remembered that this amendment was moved by my honourable friend Mr. T. P. Velayudhan Pillai under rather peculiar circumstances. There

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was a rumour here set afloat when the Select Committee report was discussed that Government had no idea at that time of establishing more than three or four Boards, and its effect was understood by the members of the Assembly only a little before that discussion. There was no talk about it at the first reading of the Bill or at the discussion in the Select Committee. But when we were summoned to discuss this Bill it was understood that that was what the Government contemplated. It will be found on a perusal of the provisions of the Bill that if Conciliation Boards are to be established only for limited areas it would be conferring upon the debtors of the whole State no appreciable benefit. It was found on a careful analysis of the provisions of the Bill that beyond the Board there was no proposal conferring any substantial benefit on the indebted agricultural population of the State. It was as a result of this idea, it was, as it were, that we were impelled by this dominating idea that various amendments were proposed. The chapter on the establishment of Conciliation Boards deals fairly with the powers that have to be conferred upon the Boards which, according to our opinion, would give the debtors some adequate relief. There is a provision for scaling down interest or principal for payment in fixed instalments and various other kinds of reliefs. That would be a proper relief so far as the general agriculturists are concerned. Probably it might have been with the idea that Government will not be able to establish the necessary number of Conciliation Boards that the mover of the Bill thought it fit to include certain temporary provisions. I find that they are dealt with in Chapter III of the Bill. But it is submitted that these provisions are thoroughly inadequate. I find that relief to the debtors may be given by reduction in interest as well as principal, direction to pay in instalments and advancing money at cheaper rate of interest. These are some of the accepted methods of relief to the debtors. All these three are available to the debtors when the Conciliation Boards are worked. In areas where Conciliation Boards do not exist, the proposed reliefs are to be sought for in Chapter III. Clause 33 deals with instalment payments; but a careful reading of it would show that, that provision is thoroughly inadequate because every creditor, who I find is dead against this law, can evade the operation of the Section. What we find is that the court executing a decree may direct that the amount may be paid in instalments. That order can be passed by the execution court only if there is an application pending execution. This direction to pay in instalments can be given by the execution court only if an application is made by the creditor to execute his decree. What will happen if he does not care to execute the decree that he has already obtained. Have the execution courts any power to say that these decree amounts shall be paid in a particular period or is it open to the judgment debtor to request the court to call for such decrees and pray for proper orders. The execution courts, under the provisions, are competent to pass orders for the payment of the amount in instalments only when the judgment creditor applies for the execution of the decree and not at the request of the judgment debtor. In the case of holders of registered decrees

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they have got the privilege to wait for six years. This provision confers power on the execution court only for a period of three years from the commencement of this Regulation. Those who have obtained registered decrees can very well wait without applying for execution. The Law Member may say that the debtor thereby gets a period of three years. But the interest will be accumulating in the mean time. If he does not go to execute the decree within three years it may be possible for the decree holder to prevent the judgment debtor from claiming the benefit of clause 33. The power conferred can be exercised only when the court is executing the decree. Clauses 34 to 36 relate to the reduction of interest from 1105 till the passing of this Regulation and thereafter for a period of three years. The provision relating to the reduction of interest for the period between 1105 and 1112 was one that was introduced in this House at the second reading of the Bill. It was very stoutly opposed by the Law Member, but it was passed because the majority of the members were for the amendment. If the Board is not established and if the decree holder does not go to execute the decree there is no benefit available to the debtor whose burden had already become unbearable. The provision relating to reduction in the rate of interest from the commencement of the Regulation for a period of three years was nothing. So clauses 34 and 36 were passed as they now stand. Now I find that these provisions are also sought to be deleted by certain amendments brought forward by the Law Member. If those amendments are accepted the position will be this. In the first place we must agree that the Government shall have power to establish only a few Conciliation Boards which would be operating only in a very limited area of the State. It clearly shows that a vast majority of the agriculturists will be left without the help that will be afforded by the Conciliation Boards. Let us see what help is rendered to those debtors. In clause 33 it is stated that power conferred upon the execution courts can be made available only when the court is executing the decree. It can be granted by the court only if the creditor presses his claims. What will happen if the creditor does not do it? Clauses 34 and 36 as they now stand would have conferred some benefit on all debtors even if they did not get the benefit of the Board or the facilities for payment in instalments under clause 33. The Law Member's amendment takes away this benefit also. A good portion of the debts that are now in existence and that have become unbearable will not be covered by the provisions of this Bill. In that case what the Dewan said to the representatives of the debtors who waited on deputation on him cannot be correct. I may be permitted to refer to his observations. It is stated—"the Government are particularly anxious that the agriculturist should not feel that the burden is so heavy upon him that there is no incentive to toil and no stimulus to redemption. It would be an evil day when the small agriculturist feels that his future is so dismal and dark that it is hardly worth his while to toil in the field, that the burden of his debts is so terrible and crushing that without its being lifted to a certain extent his self-respect will not be restored and his incentive to work will not come

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back to him." If that is the principle that has to be borne in mind in accepting the amendments that have been brought forward by the Honourable Law Member, can it be said that we are offering even a fraction of what the Dewan has promised? I want the honourable members of this House to understand the exact import of the Bill when it is passed after accepting the amendments proposed by the Law Member. It made me a little nervous when I listened to the last statement because the Law Member.....

MR. A. THANU PILLAI (*Trivandrum-Rural*): Why should the member apprehend that all the amendments of the Law Member will be carried?

MR. PUTHUPALLY S. KRISHNA PILLAI (*Quilon II*): That is a very pertinent question. Experience Sir; experience. That is all. It is an acknowledged truth, a forcible statement that the debtors are not confined to particular areas in Travancore. The report of the Agricultural Debt Redemption Committee tells us in bold terms that debt problem is a problem which affects the whole of Travancore. There is no particular area as we find elsewhere where the agricultural indebtedness is more acute than in other places. It is a general problem affecting the whole State. If that is so what is the benefit that the Government is going to confer upon the debtors as a class. Let them have one benefit available to all alike. The least harmful, the least objectionable is the Conciliation Board. Why not this house make at least that available to all debtors? Even if the Government object, it is our duty to protest.

I can understand why the learned Law Member has told the House that if this amendment is not accepted he will not be responsible if the Bill disappears. I do not presume as my learned friend Mr. Thanu Pillai said that this or any other amendment will or will not be accepted by this House. But I am not so sanguine as my learned friend to think that this amendment will not be accepted. There is the fact that we cannot ignore the principle or the strong force of the principle underlying the amendment. The Law Member wants these Boards to be appointed in an experimental way as a means of relief to debtors. The impossibility of appointing more Boards was caused, he argued, by two facts. Firstly, lack of proper men to be appointed as members of the Board and secondly, lack of funds to meet establishment charges. Now, Sir, if it is a necessity which demands prompt action and attention, a necessity which is felt by the bulk of the population of the State, is it a matter in which Government could stint? In matters where Government have been less convinced of the necessity they have contributed ample funds. For the settlement of Jenmom lands Government did not grudge spending money. Are we not faced with a graver danger here? Is not our responsibility more serious here? There are not many who are not debtors in Travancore. More than 90 per cent of the people are agricultural debtors. Is it not the duty of Government to find funds for a purpose which will serve such a vast majority? Therefore the argument that the Government find it difficult to finance

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is not a convincing one. I am quite sure that no liberal Government would find any difficulty in finding funds to meet the cost of such ameliorative institutions. The learned Law Member is convinced that the necessity can be safely met by the establishment of only five or six Conciliation Boards in the State. What is implied in that is that Government have not been convinced of the principle underlying or the efficacy of the provision. It was only a half hearted attempt. Here is a Bill with 38 Sections mostly dealing with Conciliation Boards, conferring powers to Conciliation Officers, enabling them to pass orders and record certificates. My learned friend says that the Government are not convinced of the propriety or the practicability or the workability of the present Conciliation Scheme. Sir, conciliation is founded on agreement and failing agreement, the Board can issue a certificate, a sharp weapon in the hands of an honest debtor. Why should Government hesitate to drop the scheme if they are not convinced of its utility? No doubt in Madras and Mysore, establishment of Boards is only permissive; but it must be remembered that there are more substantial provisions conferring benefit on debtors. The new amendments made by these legislatures are all with a view to confer benefit on all debtors. The Madras Act provides that not more than the principal amount by way of interest can be recovered from the debtor. Power is conferred on courts in Mysore to refuse to award any interest. They are not temporary powers, but permanent powers. Is there a single provision in the Bill conferring a permanent power on courts to do justice in cases as and when they come up? The Boards even though small in number may be established in such a manner that the benefit may reach each and every debtor. During the second reading of the Bill in this House this fact was plainly shown. Now it is going to be taken away. And I may say, Sir, that this is the juicy pulp of the Bill, but if the amendment is accepted the shell only will be left behind without the pulp. If the Bill is to be accepted and passed I have great doubt whether its beneficent provisions will reach one and all alike and whether any permanent benefit will be rendered to them. There must be a guarantee that all debtors would be treated alike, and that the relief measures would reach each and every indebted agriculturist. If the Law Member is going to move all the amendments tabled for discussion I should very vehemently oppose such amendments, since I am afraid that they will eventually be harmful to debtors, a vast majority of whom would go without any relief at all. If on the other hand the learned Law Member would assure this House that he is not very keen in moving all the amendments I am prepared to withdraw the opposition. Otherwise, I would oppose this amendment and commend my submission for the earnest consideration of this House.

MR. K. R. ELENKATH (*Kalkulam I*): In opposing the amendment I have to add only a few words to what my predecessors have said. The only valid argument the Law Member has brought forward is that the

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Government will find it impossible if any obligation is imposed on them to appoint a larger number of Boards than they think it proper and necessary. The argument that the Board ought to be set up in such a way that it should enable the Conciliation Officer to have his jurisdiction only in a compact area and that this proviso would stand in its way is brought forward by the Law Member. The original proviso it could be clearly seen, does not at all in any way stand against the appointment of a larger number of Boards. In a scheme which contemplates relief for a very large section of the people, in a scheme which has emerged out of an extraordinary situation to provide relief in the best manner possible for the indebted agriculturist I ask whether expenditure of a lakh or two lakhs of rupees for a large number of Boards will be an expenditure which cannot be justified. Sir, we on this side of the House are very anxious that the relief which is afforded by such a measure should be conferred upon all people who are really and heavily indebted. The Law Member if I remember correct when the second reading of the Bill was going on made us understand that the Boards will be established on an experimental basis and that they may number about four or five. To-day the Law Member says that about ten or twelve Boards will be established and that if the whole State should simultaneously enjoy the benefit of Boards we must have at least 60 (sixty) Boards. Sir, the civil courts in the State which do not number 60 are dealing with all kinds of civil suits including money transactions. So I cannot endorse the Law Member's view that for giving compact areas for the jurisdiction of Boards as many as sixty Boards would be necessary. Some twenty Boards or a Board for each constituency as it is newly constituted will be quite sufficient. If only few areas are to get the benefit, the member who cries the loudest will get a Board for his constituancy whether that area needs more than one or not. Sir, my submission is that if the benefit of the Bill is to reach all the debtors, Boards should be established in larger numbers as to have jurisdiction throughout the State.

With these observations I oppose the amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I also oppose the amendment. The two means by which relief is intended to be given to the agriculturists are by lightening his burden and by giving time for discharging his liabilities. This Bill as was stated by Mr. Krishna Pillai, gives only discretionary powers if all the amendments of the learned Law Member are to be accepted by this House. Part III enables the courts to give time to deserving debtors for discharging their debts. Part II, the main part in the Bill, relates to conciliation. As was stated by the Law Member when he introduced this Bill, the chief part of the devices adopted for the purpose of giving relief to the agriculturist debtor is conciliation. What he says now is that the Government are not in a position to assure the establishment of Boards throughout the State. That means that the Government

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are not prepared to grant the chief form of relief to all the subjects of His Highness the Maharaja. Sir, I do not in the least take seriously the threat held out by the Law Member. It comes a few minutes after the assurance from the Chair that the Legislature of this country will have a due part in its administration and that its wishes and opinions will be duly respected. I do not believe that any weight need be attached to the Law Member's statement that he does not take any responsibility for the further progress of the Bill if his amendment is not accepted.

Sir, the objections raised by the Law Member are three in number. One is that it is an experimental measure; that is to say the establishment of Conciliation Boards. If it is an experimental measure it must either fail or succeed. If it fails he does not say that these Boards would be scrapped. If it succeeds he does not assure the House that it will be extended throughout the State. Then, I do not understand what he means by saying that it is an experimental measure. The only ground for saying that it is an experimental measure is that it is a new thing.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know what would be the number of conciliation officers that would be required to effectively serve the whole State?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I would come to that point. If this is to be considered as an experimental measure all the new innovations must also be experimental. Debt conciliation is not a new thing. In Mysore at first it was started in Malanad and subsequently it was extended to other parts of the country.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know whether it was extended to all the parts of the country and what was the amount of the debt that would come under conciliation?

PRESIDENT: The Law Member may ask for the right to reply.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): In Mysore there was this distinction. With regard to the debts due to secured creditors much latitude was not given by the Conciliation Boards. Anyhow the Law Member has not cared to import that provision into our Bill. What I was referring to is that it was not a new thing. In almost all the Presidencies in British India this conciliation affair has been begun long before and to say that, because it is an experiment, it should not be extended throughout the country, is not acceptable. I am putting the further question whether he is serious when he says that it is an experiment; whether he is going to start this in small localities where large interests are not involved. The experiment should not be tried where there will be great risks in the matter. This objection on the ground of experimental measure does not appear to be a sound one.

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Another point that has been raised is the question of cost. Sir, the Government admits that relief is needed to the debtor. The Government are prepared to tell the creditor to sacrifice a portion of his dues because the debtor must be given relief. But they say we cannot find persons to direct the creditor to do that. There must be somebody to direct the creditor and ask him to forego a portion of the debt. For this, there must be some conciliation officers. For want of this the Government are delaying this relief. So I would think that the Government are not fair in their dealings to the creditors. The Government have already, by rejecting the amendment to Clause II, stated, that as creditors they are not prepared to give much concession to the debtors. Now, when we come to the question of putting at least an agency for giving relief to the debtors, the Government say, that it is a question of cost. Moreover the Law Member is not in a position to tell this House as to what would be the cost that has to be met by Government for this purpose. He is not in a position to say anything about the number of officers that will be needed for the whole State. At first he said that it was three, now he says that there should be eight. It is my firm conviction that it does not redound to the credit of the Government to say that on financial grounds the Government are unable to create enough number of Boards in this country.

Sir, a third ground advanced is that the proceedings in the civil courts will be suspended. The proceedings there are carried on in the interests of the parties. There is no religious obligation on the part of Government to have a large number of civil courts. If the parties before the civil courts go to conciliation officers and Boards to clear their debts I wonder why Government should feel nervous on the ground that the establishment of Conciliation Boards would diminish the work of the court.

Another ground advanced by the learned Law Member was that it will be rather difficult to get sufficient number of proper officers to discharge this work. Sir, if that ground is advanced in a country like Travancore, which boasts of having any number of qualified hands for high posts and with so much literacy to its credit, I do not think that any member of this House will accept that ground. What I am saying is that a ground like that comes with little grace from the Government side. Sir, though you are new to this office you are not new to this country. I may say this. If the Government are not careful to choose proper persons there will be real pausity. The real pausity as I find is in the exercise of proper discretion in the choice of proper persons and there is absolutely no difficulty on the ground of paucity of hands.

Then, Sir, I would like to bring one or two points for the consideration of this House. The Bill at first introduced did not disclose the fact that the Government had no intention to establish Boards throughout the State. Of course, discretion was left with the Government and it was expected that the discretion would be properly exercised. But

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when an amendment of Mr. Velayudhan Pillai was passed last year, the Law Member made it clear that it was not possible to establish Boards throughout the State. Now we are assured that the Government will not establish Boards even in all centres where there is need. What is the condition if Boards are established only in a few centres? As was humourously put by my friend Mr. Elenkath the man who cries loudest will get what he wants. The debtors who are able to make their voices heard by Government will be able to establish Boards in their centres. With regard to the poor ordinary agriculturists whose debts do not rise to high sums there will be no relief, and I may say that their condition will be worse than what it is to-day, because here we find that there is some sort of understanding or assurance from the Government side that an effort will be made to advance loans from Land Mortgage Banks for discharging all conciliated debts.

It was stated that the applications from such debtors will have preference over others. If that be the case, the debtors who are living in the conciliated areas will alone be able to get relief through the Land Mortgage Bank. Am I not therefore right in saying that the condition of the bulk of the agriculturist debtors in the country will be much worse after this measure? Even accepting the figures given by the Law Member, about 60 Boards will be necessary. But the Law Member is not prepared to start more than 8 or 10. That means that five-sixths of the State will be denied the benefit of conciliation. In addition, on account of the provision that the Land Mortgage Bank should give preference to the debtors belonging to the localities where Conciliation Boards are established, the benefits out of the Land Mortgage Banks also will be denied to those areas. This House should therefore consider twice before they accept this amendment. We are not at all afraid of the statement made by the Law Member that the whole Bill will be wrecked if this amendment were not accepted; because we are sure that if the Bill is to be wrecked, the responsibility on the Government will be very heavy. I do not think the Government will adopt such a course.

MR. S. J. NAIR (*Nedumangad*): I oppose the amendment. About two years ago, the Government appointed what was called the Agricultural Debt Redemption Committee to go into the question of agricultural indebtedness. That Committee was composed of seven members, of whom 5 were very responsible officials of the State. Let us see what the Committee has said about these Boards and their jurisdiction. In page 105 of their Report, it is stated:

> "Ordinarily there should be one board for each taluk. But there should be no objection, if circumstances require it, to one board being given jurisdiction over more taluks than one or to have more than one board for the same taluk. The boards may be authorised to hold its sittings at convenient centres within its jurisdiction."

This was the unanimous opinion of the Committee. Even the official members were not against this. The Law Member also was

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one of the members of the Committee. If really he was against this opinion, if his idea was that this would involve serious financial implications, he ought to have written a dissenting minute in the report of that Committee. He did not do so. It is not, therefore, justifiable on his part now to bring in this amendment which almost negatives the purpose of Conciliation Boards. This is really very hard. Government ought not have permitted the Law Member to bring in this amendment.

The recent census of 1931 shows that the population of this State is 50,95,973. Out of this, 29,01,085 are following occupations of various kinds. Out of such people, 11,67,451 people are engaged in agriculture; and it is for the benefit of these people that the present Bill is intended.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is the definition of agriculturist as we find in the Bill the same as the idea of the census authorities when they prepared this figure of agriculturists in the State?

MR. S. J. NAIR (*Nedumangad*): I am only pointing out that the number of people who are sought to be afforded relief by this measure is large enough to warrant any expenditure of money. It is not at all fair on the part of the Law Member to have brought in this amendment at this stage of the Bill. Government ought not have permitted him to do it. The agriculturists are at their wits' end. I would appeal to the Law Member, as well as to the Government who have permitted him to bring in this amendment, on behalf of the numerous suffering agriculturists of Travancore who are steeped in debt as it were, that this is not a matter for the Government to conduct experiments and to wait for the results of such experiments.

I therefore oppose the amendment.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, I support the amendment. I am not for denying the advantages contemplated in this Bill to any agriculturist debtor. At the same time, I would like to say that Government are not compelled to incur expenditure on a large scale on what I consider to be a scheme of doubtful success. It cannot be denied that, if after all the Conciliation Boards are going to be institutions which have to be tried, there is no use in spending large sums of money in making the trial or the experiment in each and every taluk in the State. My friends will agree that there is no sanction compelling the parties that appear before a Conciliation Board to abide by the award of the Board. Therefore it remains to be seen how far the scheme is going to be successful. It is quite natural that many parties would wish to resort to courts whose decisions are certainly binding on all the parties concerned. Therefore, if eventually the parties are not going to accept the award of the Board, all the time, money and energy spent on the Board would be absolute waste. What I would therefore propose is that a few Boards, say half a dozen, should be established in suitable localities, and worked for a sufficiently long period, say six months. If it is found that they work successfully, Government must necessarily set up as many Boards as are required throughout the State. I cannot agree to the Law Member's suggestion

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that the Government cannot undertake to set up Boards in all places where they are necessary even after it is found that the Boards work satisfactorily and successfully. If the Boards work successfully, what would be the result? A large number of cases would be withdrawn from the courts and it would be possible to reduce the number of judicial officers and the staff attached to the courts. Government can save some money in that direction, and it would be possible for the Government to adjust their finances suitably in order to provide the necessary funds for establishing Conciliation Boards in all places where they are necessary. Instead of doing that, if several Boards are established throughout the State even now and it is found that they do not work well, the result would certainly be calamitous. I am not at all for that. As regards the finances, the Law Member said that the Government may not be in a position to find the finances necessary. I do not agree.

Mr. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): On a point of personal explanation, Sir. Although I do not remember the exact words I used, I did not mean to say that even if the Boards are found to work successfully they would not be extended. What I meant was that after a few Boards are tried and if they are found successful others also would be established.

Mr. A. THANU PILLAI (*Trivandrum-Rural*): If I remember right, he said that the Government cannot undertake to provide Boards for the entire State even if the Boards are found to work successfully, although it would be the policy of the Government to do it. My submission is that that would not do: Government must undertake to do it if they find that the Boards work successfully.

My friend Mr. Krishna Pillai said that there is a danger of the other amendments being carried, and that that fact should weigh with us in disposing of this amendment. I cannot agree with that observation. I do not see why our disposal of this amendment should in any way affect our disposal of other amendments. As far as this amendment is concerned, it is my opinion that Boards need not be established throughout the State all at once. We should give the Government the discretion to select suitable areas, set up Boards there and wait and watch their working. In regard to the other amendments, it is open to us to throw them out if we are convinced that they are not desirable.

Mr. Asan said that if this amendment was carried the Land Mortgage Bank would cease to be of service to the debtors in localities where Boards are not set up. I cannot agree to that argument either.

Mr. A. S. DAMODARN ASAN (*Mavelikara*): Did not the Law Member say that preference will be given to debtors who want to clear conciliated debts?

Mr. A. THANU PILLAI (*Trivandrum-Rural*): What I understood was that if from a locality where a Board has been set up two debtors apply for loans from the Land Mortgage Bank, the one who wants the loan for the purpose of paying off a conciliated debt will be preferred to the other. I do not think it is the idea that if in Trivandrum no Board

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is established and an agriculturist debtor applies to the Land Mortgage Bank here for a loan, he would be refused the loan merely because there is another application from Alleppey, where a Board is established for a loan to pay off a conciliated debt.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the resources of the Land Mortgage Bank are unlimited?

MR. A. THANU PILLAI (*Trivandrum—Rural*): That question does not arise so far as this issue is concerned. We all know that the resources of our Land Mortgage Bank are not unlimited and that that bank cannot serve the needs of all our agriculturist debtors, even such of them as are going to have their debts conciliated.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): In view of Clause 15 (1) (*a*), can it be said that preference cannot be given in all cases, to debtors who want to pay off their conciliated debts and who want, for that purpose, a loan from the Land Mortgage Bank?

PRESIDENT: That is a matter for construction of the provision, and not for a question.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I was asking whether the member was aware of the statutory recognition of that fact.

PRESIDENT: The honourable member will proceed.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I do not think so, Sir, Therefore, now also I take the stand I took at the second reading. I would give the Government the discretion to set up a few Boards and try them first, and then to establish Boards throughout the State if it is found that they work successfully. With these words I support the amendment.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I strongly oppose the amendment moved by the Law Member on behalf of Government.

In the first place, the amendment discloses a lack of principle; because, if it is accepted, the agriculturist debtors in certain localities alone will get the benefit of this measure, while their brethren in the other parts of the State will be deprived of such benefits. I am emphatically of the opinion that this Bill must contain specific provision making it obligatory on the part of Government to establish Boards and to define the local limits of the jurisdiction of the various Boards in such a way and in such numbers as not to exclude any part of the State from the operation of the beneficial provisions of this measure.

In the second place, there must be some necessity for this amendment. So far as I am aware, even though there were serious differences of opinion with regard to certain provisions of the Bill, there was absolutely none with regard to the retention of this provision. It is obvious therefore that even according to public opinion there is no case for the deletion of this proviso. I ask Government whether it is not their duty to respect the recommendations of a responsible Committee appointed by Government for the purpose. The Committee clearly states that Boards should be established throughout the State.

MR. P. C. KURIYAN (*Kottayam I*): May I know from the member whether, he is in favour of Government accepting all the recommendations of the Committee?

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MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I am of opinion that there is at least a moral obligation on the part of the Government to accept the major recommendations of the Committee. I ask whether it is not the duty of the Government to respect public opinion. If it is so, this proviso was included in the Bill as the result of an amendment which was passed in this House by an overwhelming majority. That shows that public opinion is for the retention of this proviso. It is quite clear, Sir, from all these circumstances that it is absolutely necessary for retaining the provision of this Bill as settled by this House.

I would earnestly appeal to the honourable members on this side of the House that it is their duty to make the public feel that we have got a continuity of policy in our actions as representatives of the public. I would earnestly request the non-official members of this House to reject this amendment.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, in the nature of the opposition the amendment has met within this House I thought I should not rise from my seat to speak, but the opinions expressed by Messrs. Thanu Pillai and Velayudhan Pillai have induced me to change my mind. Mr. Thanu Pillai said that he wished to give the law a limited operation, as limited as possible.

MR. A THANU PILLAI (*Trivandrum-Rural*): On a word of personal explanation. I did not say that the Bill was unsatisfactory. What I said was that the Conciliation Board was unsatisfactory.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*:) My friend does not believe in the Conciliation Boards. On the other hand, Sir, I believe that conciliation will be a benefient process of settling disputes between creditors and debtors.

Mr. Velayudhan Pillai's point was that because public opinion has expressed itself in unmistakable terms, the Government had no option to come to their own decision even when they differed from what it called public opinion. Sir, I do respect public opinion. But we cannot always ascertain exactly what public opinion is on a certain question. I am merely pointing out that Government has a duty to take into consideration public opinion. At the same time they have got the right, if I may say so, to decide for themselves. But in this particular case, Sir, I am sorry to find that the officers of Government were trying to whittle down the intentions of Government at every stage of this Bill. (*Hear hear*). I have got in my hands the report of the Agricultural Debt Redemption Committee. The report shows that relief was intended for all agriculturists The words are 'for the relief of the agricultural indebtedness in general'. I am greatly reinforced by the passage that my friend Mr. Puthupalli Krishna Pillai read out from the speech made by the Dewan in answer to a deputation. That statement is in general terms. I raise this simple issue for the consideration of the House whether a member representing Government has got the option to say that while the Dewan representing Government takes one view—

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PRESIDENT: Order, order. The Dewan is not before the House dealing with the Bill.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): I am not referring to you as Dewan. I shall confine my attention to the President. I ask whether the Government member can come forward with this amendment.

I do not want to go into the detailed history of what has taken place. There is the report, which, as my learned friend Mr. S. J. Nair has stated, was drafted by a Committee of very competent persons. That report was placed before the House. During the debate on that report the Law Member said 'I would like the House to record its definite views on the recommendations'. The Law Member said that 'Government anxiously desire to bring relief measures to every agriculturist. Mr. George, the Land Revenue Commissioner said, 'that the Committee considered the question with an overwhelming sense of responsibility'. At the close of the debate, the Deputy President who occupied the Chair observed 'that in the discussion of this Bill a wealth of learning and thought was made available to the House'. The Select Committee which sat on the Bill was composed of 23 members and we had prolonged sittings. A number of days was devoted to the discussion of each individual topic. Therefore when the matter came before the House from the Select Committee the issues were definite. This House examined the matter and came to definite conclusions. Now, Sir, after all that has transpired the Law Member comes forward with this amendment. It means that this House must be prepared to go back upon its decision. I ask, is there any justification in doing so?

MR. A. THANU PILLAI (*Trivandrum-Rural*): One question, Sir. Does the member say that a delay of a few months in the sitting of courts throughout the State will be substantially harmful to the agriculturists?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum.—Urban*): If my friend Mr. Thanu Pillai represented Government and stated that that delay of six months will be harmful I should have answered that question. But, Sir, hypothetical questions do not require an answer, and therefore I do not propose to give an answer.

Sir, the point that I wanted to impress upon the House is this. There is a demand. Not only the Agricultural Debt Redemption Committee but the Banking Enquiry Committee and several other committees have recorded the necessity for the relief of agricultural indebtedness. Relief measures were suggested. This House considered the proposals stage after stage. What the people want is relief, and not merely a law, simply and strictly so called, a law which while it enunciates justice in theory would work injustice in practice. I am referring to this because when the people of Agastisvaram or Kalkulam get the luxury of a right of getting their cases decided by a Board why should the people of Nedumangad (Mr. S. J. Nair: *Hear hear*) cast wistful glances on the good fortune of others? You cannot have one set of laws for one taluk and another set for another taluk. All the subjects of His Highness the Maharaja must have the same right and

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the same liability. When the people are asking for help and when it is found necessary by an important Committee, I do not see the reason why the intentions of the Government expressed and reaffirmed should not give the benefit to all persons.

There is one more point on which I wish to say a word. I put this question to the Law Member whether after all this is a question of funds. While recognising that the Government have got a duty to expend their funds on proper objects in order to help the people who stand in need of relief, I am prepared to concede that there is a question of expediency, a question of possibility and probability as well. I do not want that the Bill should be dropped merely for the argument that there are no funds. Funds must be forthcoming and the Travancore Government which happily has got a reputation in the money market, will have no difficulty in raising the funds.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) May I ask one question, Sir?

PRESIDENT : Please do.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it the honourable member's suggestion that Government must establish Conciliation Boards financed by borrowed funds?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): That is a question which I am prepared to answer. So far as the Government are concerned, borrowing is an old habit. All through the world's history Governments have borrowed money and the Travancore Government happily possesses knowledge in these matters. For that reason I say that if it is absolutely necessary Government may even borrow. Do not make some people miserable while others are happy. I do not see any reason why, when the Travancore Government wants to give a suitable remedy to the bulk of the people, this relief of agricultural indebtedness alone should be confined to particular localities. It will be wrong.

It will be wrong on the part of my friend the Law Member, if he does not make a distinction between principle and expediency. The principle certainly can be accepted as healthy. But if a wrong view of expediency is accepted and interpreted in such a manner as to affect the principle, it will be something like a pathological condition in a healthy body. My submission therefore before the House is, that taking advantage of the statement made on behalf of Government from time to time, at first 2 or 3 Boards, later on it was 5 to 6 Boards, and further it became 7 or 8 and so on, let us have a large number of Boards. Should we not appreciate the opinion of the Committee? At the risk of repetition I would cite one interesting piece of information from the report. It is not a hypothetical conclusion arrived at. The Committee collected information in an exhaustive manner. This is what they "Ordinarily there should be one Board for each taluk. But there should be no objection if circumstances permit it, to one Board being

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given jurisdiction over more taluks than one or two have more than one Board for the same taluk". After all this information was collected, to say that one Board shall have jurisdiction over a particular area alone does not appeal to me. When officials with experience of revenue and other matters in Travancore collect information from debtors as well as creditors, when the Government have made repeated utterances from time to time, to say that the establishment of Boards shall wait because of want of funds—I cannot see eye to eye with that. I fully appreciate the position of the Law Member. The question of funds is for the Government to solve. So then, Sir, I am obliged to oppose the amendment.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): To me, Sir, the most substantial relief proposed to be given to the agriculturist debtor by this Bill is the benefit that he is likely to get from the conciliation proceedings. Of course the Law Member would have been justified in bringing this amendment if he had convinced the House that the agriculturist's indebtedness is confined to particular localities only. For the sake of emphasis I may also repeat that the Agricultural Debt Redemption Committee, in which the honourable Law Member was himself a member, as well as other Committees of enquiry which had directly or indirectly to enquire into the agricultural indebtedness of the State, have expressed in clear terms that indebtedness among the agriculturists is so universal and not limited to any one particular locality alone. This Bill has been brought forward with the object of giving relief to the agriculturists as a whole, and as such I do not find any reason for limiting the establishment of the Boards to particular localities alone. Further, we will be setting up a bad precedent quite contrary to our tradition if we thus give power to Government to create such invidious distinction between one locality and another. To say that the Bill should be proceeded with cautiously and slowly does not appear to me to be a reasonable proposition at this time of day. Now this cannot be considered as a matter of mere experiment. It is rather a matter of conviction attempted to be carried into practice through law.

The Law Member was stressing the point that we must see that the Board function expeditiously. Answer to this is simple. If efficient officers are selected and controlled properly I am quite sure that much of the apprehended dilatoriness can be avoided. I am convinced, Sir, that a piecemeal execution of a measure of the kind will not be of any good to the agriculturists of our State. Unquestionably, this measure is intended to give relief to the agriculturists of the land as a whole. The earlier the agriculturists recover the better it is for the State. Without such a specific provision in the Bill affording opportunities for every agriculturist debtor to get the benefit of the conciliation proceedings, the Bill with its diginified and dandified title, would make confusion worse confounded among the agriculturists, on whose prosperity and well-being alone rests the financial prosperity of our country.

With these words, I oppose the amendment.

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RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Sir, I was rather surprised to hear the honourable Law Member say that proper persons will not be available to act as Conciliation Officers and that that was one of the reasons which induced him to come forward with this amendment. That argument does not, in my opinion, stand to reason. There are large numbers of qualified and competent men in Travancore, from whom a suitable selection may be made. Another point that I want to urge is that I agree with the view that the provision of conciliation should not be restricted to any particular area or areas, merely because the Government have not got sufficient funds at their command. Adequate funds should be forthcoming for a laudable object such as this. It is found from the report of the Agricultural Debt Redemption Committee that no one particular part of Travancore is more affected than another and that all parts of the State are equally liable to agricultural indebtedness. Therefore it seems to me that no invidious distinction should be made in the matter of giving this relief. If any such distinction is made there will be a scramble from persons of different taluks for Conciliation Boards and the Government themselves will find it very difficult to solve the question to the satisfaction of all concerned. I can, however, understand the position that we cannot at this stage, gauge how far the Boards will be a success. It is true, that some Boards will have to be set up as an experimental measure. So, what I would suggest is that there should be at least one Board for every general constituency to start with, and that if it is found from experience that this experiment results in success, more Boards might be constituted as the measure progresses. In that manner, much of the difficulty may be removed. At any rate it should be possible for the Law Member to assure the House that—

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Does the honourable member refer to constituencies relating to this House?

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): I am not concerned with any House other than this for the time being. It must be possible for the Law Member to assure this House now, and not after waiting for three or six months, that a reasonable number of Boards will be constituted to start with.

MR. K. PADMANABHAN (*Chirayinkil I*): I would like to speak a word in support of the amendment moved by the Law Member. I am prepared to support the amendment on one of the grounds. In supporting that, it should not be misunderstood that I am not for affording relief to the agriculturists. My apprehension is that with the kind of Boards contemplated in the Bill it is not possible to afford relief to the agricultural debtors. The Law Member stated that the institution of Boards should be considered as an experimental measure atleast so far as Travancore is concerned. We have no knowing as to what kind of officers are to function as members of the Board. There is no well-defined provision in the Bill fixing the requisite qualification and training for these officers. No clear rules have been laid down in the present Bill in regard to the procedure that is to be followed by the Boards and as such we do not know the result that will accrue out of the working

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of these Boards. Further, there is no legal sanction behind the decisions of the Boards. Under such circumstances I would ask whether it is wise to compel Government to flood the whole country with Boards? Why not we allow a sound discretion to Government in the matter of setting up Boards? As a beginning, let the Government start with Boards in a few places. If they say that the Boards will not be extended to other places after seeing that they work successfully it is a different matter. The honourable Law Member was saying that a few experimental Boards will be set up and after watching their successful working Government will consider the question of extending them to other areas as well. Under such circumstances, my conviction is that the amendment of the Law Member has to be accepted. With these words, I support the amendment.

MR. K. M. KRISHNAN (*Ambalapuzha*): സർ, ഞാൻ ഈ ഭേദഗതിയെ എതുക്കുന്നു. നാട്ടിന്റെ നട്ടെല്ലായ കർഷകക്ക് അവരുടെ ഋണബാദ്ധ്യതയുടെ സ്വല്പം ആശ്വാസം കൊടുക്കണമെന്നുള്ളതാണല്ലോ ഈ ബില്ലിന്റെ ഉദ്ദേശം. ആ ഉദ്ദേശത്തിനു ഭംഗം വരുത്തുന്ന ഈ ഭേദഗതി ഒരുതരത്തിലും അനുവദിച്ചുകൂടാത്തതാകുന്നു. കടഭാരത്താൽ അറബിക്കടലിൽ പൊങ്ങിയും താണും ശ്വാസംമുട്ടി കഴിഞ്ഞുകൂടുന്ന തിരുവിതാംകൂറിലെ കർഷകരുടെ ആശ്വാസത്തിനായി നിർദ്ദേശിക്കപ്പെട്ടിട്ടുള്ള ബില്ലിലുള്ള മൂന്നോ നാലോ വകുപ്പുകളിൽ ഒരു പ്രധാന വകുപ്പിനെയാണ് ഇപ്പോൾ എടുത്തുകളയണമെന്നു ആവശ്യപ്പെടുന്നത്. കൃഷിക്കാർ എന്നുള്ള പദത്തിന്റെ വ്യാഖ്യാനത്തിൽ അനേകമാളുകൾ ഉൾപ്പെടുന്നുണ്ട്. അല്ലാതെ മി. എസ്. ജെ. നായർ പറഞ്ഞതുപോലെ ഫലക്ഷം ജനങ്ങൾ മാത്രമല്ല ഉൾപ്പെടുന്നത്. അതിനാൽ ഈ വകുപ്പ് എടുത്തുകളയുന്നതുകൊണ്ട് ഒട്ടുവളരെ ജനങ്ങൾക്കാണ് ഉപദ്രവം നേരിടുന്നത്. രാജ്യത്തെ എല്ലാ കൃഷിക്കാരായ കടക്കാർക്ക് ഒരേസമയം തന്നെ ആശ്വാസം നൽകേണ്ടതാണ്.

എട്ടോ പത്തോ കൺസലിയേഷൻ ബോർഡുകൾ സ്ഥാപിച്ചു ഒരു പരീക്ഷണം നടത്തണമെന്നാണ് ലാ മെമ്പർ പറയുന്നത്. ബോർഡുകളുടെ എണ്ണം എത്രയായാലും തരക്കേടില്ല, അതു രാജ്യത്തൊട്ടാകെയുള്ള കടക്കാരായ ജനങ്ങൾക്ക് ആശ്വാസം നൽകത്തക്കവിധത്തിൽ എല്ലായിടത്തും സ്ഥാപിക്കണമെന്നാണ് എന്റെ അഭിപ്രായം. എല്ലാ താലൂക്കിലും ഒന്നുപോലെ കടക്കാരുണ്ടായിരിക്കയില്ല. കൃഷിക്കാരായ കടക്കാരുടെ ജനസംഖ്യ എടുത്തു കൂടുതൽ കടക്കാരുള്ള സ്ഥലത്തു് കൂടുതൽ കോടതികൾ സ്ഥാപിക്കയും കടക്കാരുടെ സംഖ്യ കുറവായ സ്ഥലങ്ങളിൽ ഒന്നോ രണ്ടോ താലൂക്കുകൾക്കു ചേർത്തു ഓരോ കോടതി സ്ഥാപിക്കയും ചെയ്യേണ്ടതാണ്. ഈ അഭിപ്രായത്തോടുകൂടി ഞാൻ ഈ ഭേദഗതിയെ എതുത്തുകൊള്ളുന്നു.

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MR. N. E. VARUGHESE (*Tiruvalla II*): I also oppose the amendment. From the very start when the Bill was published in the Gazette there was doubt in my mind as to the benefits that will accrue to the agriculturists by the provisions of the Bill. Certain amendments were proposed by me in the Select Committee. Those amendments were refused by the majority of the members. After considering the amendment as adopted by the Select Committee I had the painful necessity to add a dissenting note that the provisions of the Bill are too inadequate to meet the requirements of the agriculturists and that they do not serve to give the necessary relief to the agriculturists in general. But during the second reading of the Bill certain amendments were moved and carried. In my opinion those amendments that are carried by the majority of the Assembly are most essential to meet the requirements of the present time. Those are, firstly that the jurisdiction of the Conciliation Boards should be extended throughout Travancore, secondly that retrospective effect should be given for the reduction of interest from 1105 and a few other things. If these amendments that were carried by the majority of the House are to be deleted from the provisions of the Bill, I do not know how the title of the Bill as it is framed will hold good. The title of the Bill is "The Travancore Agriculturists' Relief Bill." So, whatever provisions are made in the Bill it should apply to all the agriculturists of Travancore. When I read all the amendments together moved by my honourable friend the Law Member, I must say with some hesitation that I suspect the sincerity of the Government in handling the situation. I suspect the sincerity for several reasons. The measure ought to have been passed into law much earlier. The situation is such that some sort of relief must be given immediately. The longer it is delayed the more dangerous it will be both to the debtors as well as to the creditors. It is more than three years since the Government undertook to solve this problem. When this House has expressed its opinion that there should be certain provisions in the Bill to benefit the agriculturists, to come again to the House and seek permission for deleting those provisions which were deliberately included in the Bill is very suspicious. I think that Government want to make a show that they are also trying to do something for the amelioration of the poor agriculturists. But they are not doing anything to solve the real problem. That suspicion in the minds of the people does not go to the credit of Travancore. Suppose an epidemic such as cholera or smallpox breaks throughout all the taluks and the Government is only contemplating to establish a dispensary or a relief centre at Trivandrum. In the first place it is not possible for all the inhabitants of Travancore to run to Trivandrum for help. It is very difficult. Supposing the Government were to issue an order that only inhabitants of Trivandrum taluk should seek relief at the dispensary at Trivandrum, how painful it would be? Government cannot contemplate such an injustice as to give relief only to the people of Trivandrum. Sir, the effects of depression are worse than pestilence. By pestilence many people cease to exist. By the burden of depression they live dying. They are living in debt. So I appeal to the Government that they must find

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funds to establish as many Conciliation Boards as are necessary to solve this problem as expeditiously as possible. Never mind the number. Let it go even to hundred. It must be expeditiously solved. Delay is dangerous. Every business is in supense Both the creditor and the debtor do not know what to do next. It is more dangerous to the debtors. If this measure is to be adopted it must be applicable throughout the State. So I appeal to the House to throw out the amendment.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Sir, I rise to support the amendment. One of my hon'ble friends said that he doubted the sincerity of Government in bringing forward this amendment. I also suspect the Government in prolonging this Bill. Speaking for the commercial community I may say that they are dead against the Bill because the Bill was necessitated only because of exceptional circumstances which prevailed in the country on account of economic depression. The price of cocoanut is going up as also that of rubber and therefore we are now in a position somewhat different from some time back.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Leaving alone the price, may I know whether the number of cocoanuts is not going down?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): That is where I cannot agree with my hon'ble friends.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): What about the price of paddy?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Whenever there is a competition the best way to face it is to produce more. What we did with cocoanut is the same thing. When we found that the prices were going down we did not spend enough money upon cocoanut and meet our competitors.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from where the money is to be found for that?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Therefore the question before the House, so far as this amendment is concerned, is whether we should have these Conciliation Boards all at once throughout the State or only in certain specified areas. From the speech of several members it looks as though it is the birthright and privilege of every Travancorean to be conciliated. (*Laughter.*) It reduces to that. Even though the conditions have improved or might improve in future he still must be conciliated. That seems to be the attitude of some of my friends. Of course I can explain that attitude because our days are numbered. We have shortly to meet the electorate. For years we had been living with this problem of agricultural indebtedness. That has been our life work. If that problem is solved that means that will have no platform hereafter.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether any facility has been afforded for that? Is it fair to deny facilities to some?

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MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): What more can an ordinary citizen require? The thing is that as I stated at the outset I am supporting the amendment not for the reason given by the learned Law Member. I take it, Sir, that the Government is trying by this amendment to get out of the commitment made by Government in introducing the Bill itself. For the sake of saving their own face they may undertake to introduce three or four Boards and find them working not successfully and then there must be an end. Sir, we cannot be living in perpetual insolvency. The poor are always indebted. Now there is absolutely nothing bad in commerce or industry to proclaim to the whole world that we are a set of paupers. As a matter of fact this situation is only temporary. If things brighten in the near future we might drop the whole thing. Therefore I would support the amendment and place it as a reasonable proposition for the acceptance of this House. Bright rays are already to be found in the horizon and we shall once again be going on in our routine way. Our politicians can think of some other platform for their electioneering campaign. With these words I support the amendment.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, having considered the speeches made by the hon'ble members opposing the amendment, I must say that they are all based on a thorough misconception. The main point that they stressed was that the benefits of conciliation available under the Bill should be extended to everybody, and that no one should be denied it. Sir, I never said that my idea was to deny the benefit to anybody. What I said was that we must try the Boards' actual working and then gradually extend. I never said that the benefits will be *denied* to anybody. There may only be some little delay for some to get benefit. To start with it is going to be only an experiment and in that experimental stage the whole State cannot be brought under the conciliation scheme. If it is going to be a success, by and by, the whole State will be given the benefit by extending the Boards' activities to other areas also.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether any legislation can hold Government responsible when once they have passed law?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall answer it later on. The legislature is a business like body and the Government do not want to achieve things in a crooked way. Government, having considered the matter, stated that they may appoint some seven or eight Boards. The House may think that sixty boards must be established. But the House must accept the position that it is the right of Government to determine the number of Boards and Government propose to appoint only say five Boards then is it right to tell Government that the jurisdiction of these five Boards together should be the whole State? That is the question. The present question is not whether Government should establish 50 Boards or 5 Boards. The legislature has given complete discretion to Government to determine

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the number of Boards. Keeping that in mind,answer the question. The Government propose to appoint only, say five Boards. If that be so, what would be the effect of the clause.

MR. K. R. ELENKATH (*Kalkulam I*): May I know apart from financial considerations whether there is anything which stands against Government making the jurisdiction of the Boards less compact?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is. If, say ten Boards are to be given a local jurisdiction of over 7000 square miles, will it serve the purpose of real conciliation? Secondly, owing to certain other provisions of the Bill *viz.*, that civil court proceedings must be stayed during conciliation proceedings, the result will be that all monetary activities will become still. Does the House want to do that? My object never was to deny the benefit to any body. Let us try the scheme and when it is successful its operation can be extended. I believe the word I used even at the outset was that it was the ambition of Government to bring the benefit of the provisions of the Bill to every body. I said that I will start five or say ten Boards and that these can not effectively comprise within their jurisdiction in the whole State. The reply to this should be "Allright, you can have 7000 square miles as the local jurisdiction". I never heard any honourable member say that; because it would be preposterous to say so. The House cannot increase the number of Boards because the House has already given Government the discretion to fix the number of Boards. The House must assume the fact that we can have only five or seven Boards. That fact can not be interfered with. That fact assumed, the only question is whether the five or seven Boards can be given 7000 square miles as local jurisidiction.

MR. P. C. KURIYAN (*Kot'ayam I*): May I know whether it is for the whole province or for different areas?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May be different areas; but the whole for the different Boards together. I would appeal to the House to bear in mind that the real question is not the possibility of the appointment of either say ten or say sixty Boards but that the simple question is, assuming that the Government will appoint only say ten boards, whether it is right or desirable to tell the Government that you need appoint only ten Boards but give them the entire 7000 square miles as their local jurisdiction.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the Law Member is in a position to assure the House that after six months these Boards will be established?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I will not say definetely. It may even be three months or four months or eight months. It will all depend, as I said, on the ambition of Government to extend the Boards to the whole State.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Will it not depend upon the success of the experiment?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes; on that also mainly. Now the House will see the real position. Let us look at it from a practical point of view.

MR. K. C. ABRAHAM (*Kottayam II*): May I know whether 50 or 60 Boards is the maximum on the basis of 7,000 square miles?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I put only an approximate figure, just to illustrate the real position.

MR. K. C. ABRAHAM (*Kottayam II*): May I know whether several areas require different requirements?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know what is the total area in Madras allotted?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In Madras the Boards have not come yet. Further, the conditions are different there. There the two classes, the debtor and creditor, are clearly distinct classes. Most of the agriculturists may be debtors but the creditors form mostly a separate distinct class, the money lender class. Here every debtor may be a creditor as well.

SADASYA TILAKA T. K VELU PILLAI (*Trivandrum-Urban*): Has the Government finally rejected the number suggested by the Committee, thirty or so *i. e.* one in each taluk?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They have not rejected, so to say.

MR. V. K. VELPPAN NAIR (*Vaikom*): Is it the member's view that all the debts should go for conciliation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): All kinds of debts would go in, provided of course a Board is established for the area.

PRESIDENT: The House will now adjourn to meet again at 11 A. M. to-morrow.

The House adjourned at 4-30. P. M.

P. PARAMESVARAN PILLAI.
Secretary to the Sri Mulam Assembly.

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